

Regular Session, 2010

SENATE BILL NO. 341

BY SENATOR MARIONNEAUX

WILDLIFE RESOURCES. Changes the composition, and the powers and duties of the Wildlife and Fisheries Commission. (See Act)

AN ACT

To amend and reenact R.S. 36:601(A), R.S. 49:967(D) and 968(B)(13), and R.S. 56:1, 2(C), and 431.1(A)(2)(c), and to repeal R.S. 56:109.2(B), relative to the Louisiana Wildlife and Fisheries Commission; to change the composition, and the powers and duties of the commission; to provide for the composition of the commission; to provide for certain exemptions from the Administrative Procedure Act; to provide for the requirements, terms, conditions, and procedures of the commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:601(A) is hereby amended and reenacted to read as follows:

§601. Wildlife and fisheries commission

A. The control and supervision of the wildlife of the state, including all aquatic life, is vested in the Louisiana Wildlife and Fisheries Commission. ~~The commission shall be in the executive branch and shall consist of seven members appointed by the governor, subject to confirmation by the Senate. Six members shall serve overlapping terms of six years, and one member shall serve a term concurrent with that of the governor. Three members shall be electors of the coastal parishes~~

\* \* \*

\* \* \*

\* \* \*

Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1 increasing, or decreasing of any fee, the agency shall submit a report relative to such  
2 proposed rule change or fee adoption, increase, or decrease to the appropriate  
3 standing committees of the legislature and the presiding officers of the respective  
4 houses as provided in this Section. The report shall be so submitted on the same day  
5 the notice of the intended action is submitted to the Louisiana Register for  
6 publication in accordance with R.S. 49:953(A)(1). The report shall be submitted to  
7 each standing committee at the committee's office in the state capitol by certified  
8 mail with return receipt requested or by messenger who shall provide a receipt for  
9 signature. The return receipt or the messenger's receipt shall be proof of receipt of  
10 the report by the committee.

11 \* \* \*

12 (13)(a) The Department of Wildlife and Fisheries and all of the agencies  
13 made a part of it shall submit the report to the House Committee on Natural  
14 Resources and Environment and the Senate Committee on Natural Resources.

15 **(b) Those rules adopted annually pursuant to this Paragraph by the**  
16 **Department of Wildlife and Fisheries which open and close the offshore and fall**  
17 **shrimp seasons, the oyster season, the marine finfish seasons, the webless**  
18 **migratory game bird hunting season, and the trapping season shall be effective**  
19 **for a period of time equal to the length of the respective season.**

20 \* \* \*

21 Section 3. R.S. 56:1, 2(C), and 431.1(A)(2)(c) are hereby amended and reenacted  
22 to read as follows:

23 §1. Wildlife and Fisheries Commission established; membership; qualifications;  
24 definitions

25 A. To protect, conserve, and replenish the natural resources of the state, the  
26 wildlife of the state, including all aquatic life, is placed under the supervision and  
27 control of the Louisiana Wildlife and Fisheries Commission, ~~which is hereby created~~  
28 ~~and established in the executive branch of the state government.~~

29 B. The commission shall consist of ~~seven members appointed by the~~

1 governor, subject to confirmation by the Senate. Six of the members shall each serve  
2 for overlapping terms of six years, and one shall serve for a term concurrent with that  
3 of the governor. the members of the House Committee on Natural Resources and  
4 Environment and the Senate Committee on Natural Resources, or the  
5 successors to those committees which have jurisdiction over wildlife and  
6 fisheries.

7 C. Three members of the commission shall be electors of the coastal parishes  
8 and representatives of the commercial fishing and fur industries. The other four shall  
9 be electors from the state at large, other than representatives of the commercial  
10 fishing and fur industries.

11 D. The commissioners heretofore appointed under the provisions of Article  
12 VI, Section 1 of the Louisiana Constitution of 1921 and presently serving as  
13 commissioners, shall continue to serve for the terms for which appointed. Thereafter,  
14 any Any vacancy occurring in the commission by reason of the expiration of the  
15 term for which appointed or by reason of death, resignation or otherwise shall be  
16 filled by appointment by the governor; however, persons appointed to fill the  
17 vacancy created by a retiring or deceased commissioner shall be appointed for the  
18 unexpired term of such commissioner only by the member appointed to the House  
19 Committee on Natural Resources and Environment and the Senate Committee  
20 on Natural Resources by the presiding officer of the House of Representatives  
21 or the Senate, respectively, to fill the vacancy.

22 E. No person who has served as commissioner for six years or more shall be  
23 eligible for reappointment.

24 F. No commissioner may be a member of the legislature or hold any salaried  
25 public office or employment for compensation, other than per diem, existing under  
26 or created by the laws of the United States, the state of Louisiana or by any  
27 subdivision thereof.

28 G C. No compensation for his services shall be paid to any member of the  
29 commission, but each member shall be paid a per diem of twenty-five dollars for

each day of meeting and actual expenses incurred in traveling to and from and attending meetings of the commission and in attending to his duties away from his domicile under assignment by the commission.

H D. As used throughout this title, unless the context otherwise clearly indicates differently, "director" means the director of the Louisiana Wildlife and Fisheries Commission and "commission" means the Louisiana Wildlife and Fisheries Commission.

## §2. Supervision and direction of commission; meetings

\* \* \*

C. The commission shall not take any action except by vote in meeting assembled, all actions shall be included in the minutes. **No action shall be taken by the commission except by the favorable vote of a majority of the members from each house present and voting, each house voting separately, and a quorum of each house being present.**

\* \* \*

## §431.1. Devices to protect oysters from predation; use on leased acreage

A. The Department of Wildlife and Fisheries may permit the use on leased acreage of devices to protect oysters from predation. The permit shall be issued to a leaseholder and shall not be transferrable. Such devices shall be in compliance with all existing state and federal fishing laws and regulations. Notwithstanding any law to the contrary, any device permitted under the provisions of this Section may be transported or used in compliance with the provisions of this Section. The department shall promulgate, in accordance with the Administrative Procedure Act, rules and regulations for such a permit. The rules shall at a minimum specify the following:

\* \* \*

(2) That the material used for the device shall:

\* \* \*

(c) Be approved by the Wildlife and Fisheries Commission ~~and the House~~

\* \* \*

Section 5. The provisions of this Act shall become effective if and when the proposed amendment of Article IX, Section 7(A) of the Constitution of Louisiana contained in the Act which originated as Senate Bill No. \_\_\_\_\_ of the 2010 Regular Session of the Louisiana Legislature is adopted at the statewide election to be held on November 2, 2010, and the Act becomes effective.

Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.

Proposed law provides that any vacancy occurring in the commission by reason of the expiration of the term for which appointed or by reason of death, resignation or otherwise will be filled by the member appointed to the House Committee on Natural Resources and Environment or the Senate Committee on Natural Resources by the presiding officer of the House of Representatives or the Senate, respectively, to fill the vacancy.

Present law provides that no compensation for his services will be paid to any member of the commission, but each member will be paid a per diem of \$25.00 for each day of meeting and actual expenses incurred in traveling to and from and attending meetings of the commission and in attending to his duties away from his domicile under assignment by the commission.

Present law provides that the commission will not take any action except by vote in meeting assembled, all actions shall be included in the minutes.

Proposed law retains present law and adds that no action may be taken by the commission except by the favorable vote of a majority of the members from each house present and voting, each house voting separately, and a quorum of each house being present.

Present law provides that the DW&F may permit the use on leased acreage of certain devices to protect oysters from predation.

Present law requires the DW&F to promulgate, in accordance with the APA, rules and regulations for such a permit. Further requires that the rules relative to the material used for certain devices be approved by the commission and the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources.

Proposed law removes the requirement that the rules and regulations be approved by the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources.

Present law requires, before March 1 of each calendar year, the commission to submit to the Senate Committee on Natural Resources and the House Committee on Natural Resources and Environment a written report containing a listing of all acreage owned by the department and managed by the commission that is available for public hunting, fishing, and recreational opportunities and a listing of all acreage that was lost or gained for such purposes.

Proposed law removes the present law.

Effective if and when the proposed amendment of Article IX, Section 7(A) of the Constitution of Louisiana contained in the Act which originated as Senate Bill No. \_\_\_\_\_ of the 2010 Regular Session of the Legislature is adopted at the statewide election to be held on November 2, 2010, and becomes effective.

(Amends R.S. 36:601(A), R.S. 49:967(D) and 968(B)(13), R.S. 56:1, 2(C), and 431.1(A)(2)(c); repeals R.S. 56:109.2(B))